

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PAUL A. ROSBERG, JOHN DOE, and
JANE DOE,

Plaintiffs,

vs.

MARK JOHNSON, Chancery Court Judge
for the District of Nebraska; and ROBERT
EVNEN, Secretary of State of Nebraska;

Defendants.

8:22CV384

ORDER

This matter is before the Court on a memorandum from the Clerk of the Court requesting a ruling as to Plaintiff's authorization to proceed in forma pauperis ("IFP") on appeal. [Filing No. 13](#). Plaintiff filed a Notice of Appeal, [Filing No. 12](#), on November 30, 2023. Plaintiff appeals from the Court's Memorandum and Order and Judgment dated May 23, 2023, [Filing No. 6](#); [Filing No. 7](#), in which the Court dismissed this matter with prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed In Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . .

The Court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff may proceed on appeal in forma pauperis.

Dated this 5th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge